

1
2
3
4
5
6
7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 ROBIN MAY, individually and as parent
11 and legal guardian of J.M., a minor,

12 Plaintiff,

13 vs.

14 SAFEWAY, INC., a Delaware Corporation
15 doing business in and throughout the State
16 of Washington,

Defendant.

No. 2:21-cv-00327

NOTICE OF REMOVAL TO
FEDERAL COURT

17 Please take notice that Defendant Safeway Inc. hereby removes to the United
18 States District Court for the Western District of Washington the action described below.
19 On September 8, 2020, Defendant Safeway Inc. was served with a summons
20 **(Attachment 1)** and complaint in an action entitled *May v. Safeway, Inc.*, King County
21 Superior Court No. 20-2-13639-5 KNT. The first date upon which Safeway Inc. received
22 a copy of this complaint was September 8, 2020. A minor was erroneously named as a
23 party. This error was subsequently corrected by way of an amended complaint
24 **(Attachment 2)**.
25

NOTICE OF REMOVAL TO
FEDERAL COURT - 1

R:\6914\PLEADINGS\notice.removal.fed.wpd



Turner Kugler Law, PLLC

6523 California Ave SW #454
Seattle, WA 98136
(206) 659-0679

Neither the original complaint nor amended complaint specify the amount of damages being claimed by the Plaintiff and it is not apparent from the complaint whether the amount of damages sought would be greater than the minimum jurisdictional amount for this court. Safeway propounded a request for a statement of damages which asked Plaintiff to disclose the damages Plaintiff is claiming in this matter. On March 1, 2021, Plaintiff provided Safeway with a statement of damages which claims \$163,922.16 in damages.

There is complete diversity because the Plaintiff is a citizen of the State of Washington and Defendant Safeway Inc. is a corporation organized under the laws to the State of Delaware with its principle place of business in the State of California.

This court has original jurisdiction over this action pursuant to 28 U.S.C. §1332(a) because it is between citizens of different states and the amount in controversy exceeds \$75,000. This claim is removable to federal court by the defendant pursuant to 28 U.S.C. §1441 based on diversity jurisdiction.

A jury trial has been demanded (**Attachment 3**)

INTRADISTRICT ASSIGNMENT

The case is currently pending in King County so LCR 3(e) indicates it will be initially assigned to a Seattle Judge.

A civil case cover sheet is attached as **Attachment 4**.

Dated: March 10, 2021.

TURNER KUGLER LAW, PLLC

By: s/ John T. Kugler
John T. Kugler, WSBA # 19960
Attorney for Defendant



CERTIFICATE OF SERVICE

I hereby certify that on March 10, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Attorney for Plaintiff:

Deborah A. Purcell
Khan Law Firm PLLC
8407 S. 259th St., Ste. 101
Kent, WA 98030
L3@klawfirm.com

and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

s/ John T. Kugler

JOHN T. KUGLER, WSB #19960
Attorney for Defendant Safeway Inc.
TURNER KUGLER LAW, PLLC
6523 California Ave SW #454
Seattle, WA 98136-1833
Telephone: (206) 659-0679
E-mail: john@turnerkuglerlaw.com

NOTICE OF REMOVAL TO
FEDERAL COURT - 3

R:\6914\PLEADINGS\notice.removal.fed.wpd



Turner Kugler Law, PLLC

6523 California Ave SW #454
Seattle, WA 98136
(206) 659-0679